

**LEIBOWITZ & SPENCER**  
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MATTHEW L. LEIBOWITZ, P.A.  
JOHN M. SPENCER, P.C.\*  
JOSEPH A. BELISLE  
ANTHONY T. LEPORE

OF COUNSEL  
SANFORD L. BOHRER  
SID DAVIDOFF\*  
JEROME M. BECKER\*  
605 3RD AVENUE  
34TH FLOOR  
NEW YORK, N.Y. 10158

\* NOT ADMITTED TO  
FLORIDA BAR

SUITE 1450  
AMERIFIRST BUILDING  
ONE SOUTHEAST THIRD AVENUE  
MIAMI, FLORIDA 33131-1715  
TELEPHONE (305) 530-1322  
TELECOPIER (305) 530-9417

SUITE 500  
1000 CONNECTICUT AVENUE, N.W.  
WASHINGTON, D.C. 20036  
TELEPHONE (202) 293-4093  
TELECOPIER (202) 872-0604

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**SEP 14 1992**

**MAIL BRANCH**

**September 11, 1992**

**SEP 14 3 10 PM '92**  
**AUDIO SERVICES**  
**DIVISION**

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

*RM 8099*

Re: Petition to Amend FM Table of Allotments  
Leesburg and Tavares, Florida  
Our File No. 46013

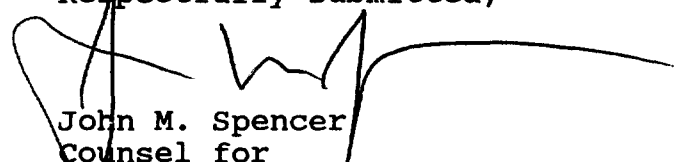
Dear Ms. Searcy:

On behalf of J.J. Taylor Companies, Inc., licensee of FM station WXXL, Leesburg, Florida, enclosed please find an original and four copies of a petition for rule making to amend the FM Table of Allotments as follows:

- (a) reallocate channel 294C1 from Leesburg, Florida, to Tavares, Florida, and
- (b) modify the license of WXXL to specify operation on channel 294C1 at Tavares.

If any additional information is desired, please communicate with the undersigned.

Respectfully submitted,

  
John M. Spencer  
Counsel for  
J.J. Taylor Companies, Inc.

Encls. (5)

JMS:hs

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

SEP 14 3 10 PM '92  
AUDIO SERVICES  
DIVISION

In the Matter of )

Amendment of Rule 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations )  
(Tavares, Florida) )

RM- 8099

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SEP 14 1992

TO: Chief, Allocations Branch

MAIL BRANCH

PETITION FOR RULE MAKING

1. J.J. Taylor Companies, Inc. ("Taylor"), by its attorney and pursuant to Rules 1.401 and 1.420, hereby petitions the Commission (1) to amend the FM Table of Allotments by reallocoting channel 294C1 from Leesburg, Florida, to Tavares, Florida, and (2) to modify the authorization of WXXL(FM), Leesburg, Florida, to specify Tavares, Florida, as its new community of license.

2. Technical considerations. WXXL is presently licensed to operate on channel 294C1 at Leesburg, Florida. By this petition Taylor proposes to change WXXL's community of license from Leesburg to Tavares, without changing the licensed transmitter location.<sup>1</sup> Since this proposal entails no change in the presently specified coordinates, it continues to comply with applicable separation

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<sup>1</sup> The coordinates of the transmitter location are North Latitude 28-33-31 and West Longitude 81-35-38.

requirements set out in Rule 73.207.<sup>2</sup> Further, as shown in Exhibit A, the proposed allotment can easily provide 70 dBu service to the proposed community of license,<sup>3</sup> in full compliance with Rule 73.315(a).

4. Section 307(b) considerations. Tavares is an incorporated town centrally located in Lake County, Florida, lying about 30 miles northwest of Orlando, Florida. Since 1888 it has been the seat of Lake County. The following table lists the populations of both Tavares and Lake County as reported by the U.S. Census Bureau (for 1960 through 1990) and projected by the University of Florida<sup>4</sup> (for 2000 through 2020):

|      | <u>Tavares</u> | <u>Lake County</u> |
|------|----------------|--------------------|
| 1960 | 2,724          | 57,383             |
| 1970 | 3,261          | 69,305             |
| 1980 | 4,398          | 104,870            |
| 1990 | 7,383          | 152,104            |

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<sup>2</sup> Because this change entails no change in WXXL's transmitter location, no detailed showing of compliance with Rule 73.207 is believed necessary. However, should the Commission consider otherwise, a formal engineering showing will be supplied upon request.

<sup>3</sup> Exhibit A is the service contour map filed with WXXL's application for its currently licensed facilities, File No. BPH-900927IA. As can be seen, the licensed site for WXXL is about 21 miles south-southeast of Tavares.

<sup>4</sup> County population projections are as reported in the 1991 Florida Statistical Abstract (25th Edition), compiled by the Bureau of Economic and Business Research, College of Business Administration, University of Florida, and published by the University of Florida Press.

|      |         |
|------|---------|
| 2000 | 194,600 |
| 2010 | 231,200 |
| 2020 | 264,600 |

Tavares is not located in an Urbanized Area, and Lake County is not part of any Metropolitan Statistical Area.

5. Tavares is organized under the mayor/council form of government, with a town administrator overseeing day-to-day operations such as the municipal water supply, wastewater treatment, and garbage and recycling collection. As county seat, Tavares is home to the county courthouse, the sheriff's office and jail, the county school board, and most other agencies of the county government.

6. Tavares has three public schools, a public library, a museum and fourteen churches. It has its own U.S. Post Office, and the postal ZIP code 32778. Civic and fraternal organizations in Tavares include the Tavares Chamber of Commerce, American Legion, American Red Cross, Civitan Club, Coast Guard Auxiliary, Eastern Star, 4-H Club, Homemakers Extension Club, Kiwanis Club, Lake County Historical Society, Lions Club, Pilot Club, Rotary Club, Shrine Club, Junior Woman's Club, Masonic Lodge and Woman's Club.

7. The proposed allotment would provide Tavares its first local broadcast service. (Tavares is one of only five county seats

in Florida without a local broadcast station, and by far the largest in population.<sup>5</sup>)

8. Leesburg, the present community of license, is also located in Lake County, about ten miles west of Tavares. The following table lists the population of Leesburg as reported by the U.S. Census Bureau:

|      | <u>Leesburg</u> |
|------|-----------------|
| 1960 | 11,172          |
| 1970 | 11,869          |
| 1980 | 13,191          |
| 1990 | 14,903          |

Leesburg is not located in either an Urbanized Area or an MSA.

9. In addition to WXXL, Leesburg is served by two local stations: (a) WLBE, a class B AM station which operates on 790 kHz with five kilowatts day, one kilowatt night, and (b) WQBQ, a class B AM station which operates on 1410 kHz with five kilowatts day and night.

10. Reallotment of channel 294C1 as proposed would foster the fair, efficient and equitable distribution of broadcast service mandated by Section 307(b) of the Communications Act of 1934, as

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<sup>5</sup> The others and their 1990 Census populations are Bristol (Liberty County), 937; Jasper (Hamilton County), 2093; Lake Butler (Union County), 2116; and Moore Haven (Glades County), 1432. One more seat, Bronson (Levy County), population 875, is the subject of a proposed FM channel in MM Docket No. 92-200. The other 61 Florida county seats all have authorized or allotted broadcast channels.

amended, by giving two significant rural communities their own local transmission service, rather than concentrating three services in one community. Further, while in 1990 Leesburg was larger in population, for at least the past three decades Tavares has been growing much faster than Leesburg, with a current growth rate more than five times as high as Leesburg.<sup>6</sup> Neither Tavares nor Leesburg is located in an Urbanized Area or MSA.

11. Petitioner requests consideration under the provisions of Rule 1.420(i), in that the amended allotment would be mutually exclusive with the licensee's present co-channel allotment (0 km separation, whereas Rule 73.207 requires 245 km). This proposal therefore qualifies for consideration without subjecting Taylor to competing applications for the amended allotment.

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<sup>6</sup> From 1980 to 1990 Tavares grew by 67.9 percent (a 2,985 person increase), while Leesburg grew by only 13.0 percent (a 1,712 person increase).

12. Accordingly, Taylor asks the Commission to initiate a rule making proceeding to reallocate FM channel 294C1 from Leesburg, Florida, to Tavares, Florida; and to modify the license for WXXL to specify operation on channel 294C1 at Tavares, Florida. If this amendment is made, Taylor intends to promptly file an appropriate application to implement the amended allotment.

Respectfully submitted,

J.J. TAYLOR COMPANIES, INC.

By:

  
John M. Spencer  
Its Counsel

Leibowitz & Spencer  
One S.E. Third Avenue, Suite 1450  
Miami, Florida 33131  
(305) 530-1322

September 11, 1992

